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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,132	08/08/2003	Alexei Volkov	SUNMP340	3840

32291	7590	10/16/2006

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EXAMINER
KHATRI, ANIL

ART UNIT	PAPER NUMBER
2191	

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/637,132	VOLKOV, ALEXEI
	Examiner	Art Unit
	Anil Khatri	2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 August 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-29</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-29</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>08 August 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>12/4/03</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter which the applicant regards as his invention.

Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for

omitting essential steps, such omission amounting to a gap between the steps. See MPEP

§ 2172.01. The omitted steps are: no testing steps are included in limitation so how testing will

be done without including testing. Preamble recites testing software product in a distributed

environment but applicant lacks in disclosing how testing will be done once data has been

transferred from one memory to another.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
requirements of this title.

Claims 1-29 are rejected under 35 USC 101 because they disclose a claimed invention that is an

abstract idea as defined in the case *In re Warmerdam*, 33, F 3d 1354, 31 USPQ 2d 1754 (Fed.

Cir. 1994).

Analysis: Claims 1-29 disclosed by the applicant as being a "method for testing a software product...". Since the claims are each a series of steps to be performed on a computer the processes must be analyzed to determine whether they are statutory under 35 USC 101.

Examiner interprets that the claims 1-29 are non-statutory because they do not disclose that how a method will testing software in a distributed environment without disclosing testing process and steps. Applicant submits no substance to the claims so its functionality can be realized. Therefore, claims 1-29 are not useful and do not produce concrete results. Likewise, claims are interpreted so broadly as to include statutory and nonstatutory subject matter must be amended to limit the claims to a practical application. Thus claims 1-29 are non-statutory and rejected under 35 USC 101.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-25 and 27-29 rejected under 35 U.S.C. 102(e) as being anticipated by *Dallin* USPN 7,058,857.

Regarding claims 1, 12 and 21

Dallin teaches

generating at least one data object to be locally stored in a first location of a first memory of the first client component system (column 1, lines 50-64, "testing a software product... test the software product");

registering the first location with the main server component system (column 4, lines 40-45, "a type template... one test case"); and

transferring the data object from the first memory of the first client component system to a second memory of the second client component system; the transferring being in response to the second client component system requesting the data object from the first client component system through the main server component system (column 11, lines 20-46, "referring to figure 5... via a network").

Regarding claims 2 and 13

Dallin teaches

storing the first location in a shared object table of the main server component system (figure 4, column 9, lines 3-20, "an exemplary output template... generated from table 36).

Regarding claims 3 and 14

Dallin teaches

registering the first location with the first client component system (column 4, lines 40-45, "a type template... one test case").

Regarding claims 4 and 15

Dallin teaches

storing the first location in a client table of the first client component system (figure 4,

column 9, lines 3-20, "an exemplary output template... generated from table 36).

Regarding claims 5 and 16

Dallin teaches

the registering the first location with the main server component system is defined by one

of a put function and a putb function (column 12, lines 14-20, "in any language code or

notation... material form").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 6 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Dallin*

USPN 7,058,857 taken with *Schaefer* USPN 6,993,748.

Regarding claims 6 and 26

Dallin teaches

the data object is defined by one of a resulting test data generated after executing a

portion of a test at the first client component system (column 1, lines 50-64, "testing a software

product... test the software product"); an identification key, (column 12, lines 54-55, "provide

key for a test...", column 9, lines 3-20, "refer to figure 4... from table 36") a dynamically

generated Java class, a configuration file, a property file, and an initial test data transmitted by

the main server component system to each of the first and second client component systems to

initialize the test (column 11, lines 20-46, "referring to figure 5... via a network"). *Dallin* does

not teach explicitly a dynamically generated Java class, a configuration file and a property file.

However, *Schaefer teaches* (column 5, lines 48-57"GUI translator... wireless device and column

6, lines 48-54, "the data 260...file"). Therefore, it would have been obvious to a person of

ordinary skill in the art at the time of the invention was made to incorporate any programming

language such as Java and key for testing. The modification would have been obvious because

one of ordinary skill in the art would have been motivated to combine for testing software in

object oriented programming language with identification key for test generation in client server

environment.

Regarding claims 7 and 27

Dallin teaches

the identification key is used in a secured protocol to establish a secured communication

between the main server component system and each of the first and second client component

systems (figure 2, column 5, lines 30-56, "the test data... automation tool", column 8, lines 9-

19).

Regarding claims 8, 17 and 28

Dallin teaches

the each of the first and second memory is defined by one of a random access memory, a

dynamic RAM and Static RAM (column 4, lines 1-15).

Regarding claims 9, 18 and 29

Dallin teaches

the first location is a memory address of the first memory (figure 3).

Regarding claims 10 and 19

Dallin teaches

wherein the second client component system requesting the data object from the first client component system is defined by one of a get function and a getb function column 12, lines 14-20, "in any language code or notation... material form").

Regarding claims 11, 20 and 22

Dallin teaches

executing a distributed test harness on the main server component system (column 13, lines 9-13, "test generation... software product"); and

executing a client harness on each of the first and second client component systems (column 5, lines 14-23, test script file... second computer system").

Regarding claims 23 and 24

Dallin teaches

the main server component system includes a shared object table for storing the location of the data object (column 6, lines 18-31, "as shown in cell 62... manually implement").

Regarding claim 25

Dallin teaches

a data transfer monitor facility coupled to the main server component system (column 5, lines 7-25, "specifically automation tool...second computer system").

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri whose telephone number is 571-272-3725. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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ANIL KHATRI
PRIMARY EXAMINER